

Multi-State Group Eyes New Environmental Law To Promote Innovation

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A network of business leaders and state and federal officials is launching a broad effort to forge a national consensus on whether a new environmental law is needed to promote new sustainability initiatives. The group encourages management-based approaches to reducing pollution beyond current regulatory requirements.

The group does not yet know what such a law would contain, but is raising the question with interested parties to get their views on the matter.

The new initiative by the Multi-State Working Group (MSWG), "The Path to Washington—establishing an environmental law that supports innovation and performance," will be kicked off June 26-28 in Park City, Utah, with the first of four conferences, according to MSWG president Jeff Smoller, speaking May 10 at the National Environmental Partnership Summit 2006 in Atlanta. The environmental partnership meeting was sponsored in part by the Environmental Protection Agency, and brought together nearly 1,000 government and industry officials interested in pollution prevention.

An industry consultant attending the MSWG presentation noted that the effort will have to avoid any proposal that would require a reopening of existing environmental laws. Previous "regulatory reform" efforts encountered intense controversy over the issue of reopening current laws. But it may be possible to add on a law that achieves the MSWG goal of supporting innovation and better performance, the source suggested.

MSWG was created in 1996 as a "voice for ecological innovation and integration," starting with an emphasis on environmental management systems (EMSs), Smoller said. Since then it has evolved into a "virtual organization," a network of some 800 government and industry participants, with a core of approximately 15 highly active states. It has sponsored conferences to address major policy questions, such as, "Do EMSs yield greater performance?" The answer to that question was "mostly yes, but it depends" on the goals set, due diligence, and other issues, Smoller said. For "The Path to Washington" effort, the question is, "How can policy support greater environmental performance?"

Dennis Treacy, a vice-president with Smithfield Foods and president of the MSWG Policy Academy, described the academy as the organization that tries to "land the plane" or "put meat on the bones" based on ideas "stirred up" by MSWG conferences. Treacy noted that there are many environmental management tools, such as EPA's Performance Track, and related innovative environmental ideas. The Performance Track program offers participating businesses regulatory flexibility in exchange for voluntarily reducing pollution beyond legal requirements.

But how can a company sort through the many tools and decide what to do? Treacy asked. The MSWG effort is not designed to "replace anybody's goal" but rather to take the programs underway or being planned and to sort them into a "defined path" for helping companies innovate.

In exploring the question of whether a new environmental law is needed to promote such innovations, the four upcoming MSWG conferences will serve to gather examples of "what works and what doesn't" and what environmental management should look like in the future, Treacy said. MSWG does not lobby but will tee-up the questions and provide information through its conferences, which will culminate in a Washington, DC, conference in June 2009 that will include a report on a law to support innovation and "meeting with the 44th president and the 111th Congress." Smoller and Treacy were both careful to underscore that the 2009 date of the final conference is not intentionally linked to the elections.

The MSWG plans to include a review of various reports in recent years that have assessed the existing environmental regulatory system and its impacts on innovation, including those produced by

the National Academy of Public Administration, Enterprise for the Environment, the Aspen Institute and other groups.

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